

PATENT

Navy Case No. 96,596
Application No. 09/788,475

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mohler, Jerre Wayne

Serial No. 09/788,475

Filed: February 21, 2001

For: DETECTING DEVICE FOR
FLUORESCENT-LABELED MATERIAL

Group Art Unit: 2878

Examiner: Constantine Hannaher

RESPONSE TO OFFICE ACTION

In response to the Official Action dated November 3, 2003 and the examiner's Advisory Action dated November 4, 2004, the applicant hereby requests reconsideration and allowance of the application in view of the following.

The Official Action dated November 3, 2003 indicates that claims 1 and 2 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1-2 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Coates (U.S. 4,884,890). Claim 6 stands rejected under 35 U.S.C. § 102(b) as anticipated by Metz (U.S. 5,166,813). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Coates or Metz in further view of Chu (U.S. 5,440,927). Claims 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Coates or Metz in further view of Eckstrom (U.S. 5,324,940). Finally, claims 3-5 are allowable and claim 10 stands objected to as dependent upon a rejected claim, but would be allowable if rewritten in independent format.

The Advisory Action referenced above indicates that claims 2-5 would be allowed pursuant to the amendments filed on August 12, 2004 and that claims 6, 7, and 9 stand

rejected due to applicant not amending the reference to "the sample" to become "live animal" in line 5 of claim 6. Pursuant to the Advisory Action, the amendments filed on August 12, 2004 have not been entered.